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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
10

11 UNITED STATES OF AMERICA,

No. CR S-94-0390-LKK-CMK
CIV S-04-2563-LKK-CMK

12 Respondent,

13 vs.

ORDER

14 ANTHONY L. NAVARRO,

15 Movant.
16 _____/

17 Movant, a federal prisoner proceeding pro se, has filed a motion pursuant to 28
18 U.S.C. § 2255. The matter was referred to a United States Magistrate Judge pursuant to Local
19 Rule 72-302(c)(21).

20 On December 12, 2005, the magistrate judge filed findings and recommendations
21 herein which were served on movant and which contained notice to movant that any objections to
22 the findings and recommendations were to be filed within ten days. Movant has not filed
23 objections to the findings and recommendations.

24 Although it appears from the file that movant's copy of the findings and
25 recommendations was returned, petitioner was properly served. It is the movant's responsibility
26 to keep the court apprised of his current address at all times. Pursuant to Local Rule 83-182(d),

1 service of documents at the record address of the party is fully effective.

2 The court has reviewed the file and finds the findings and recommendations to be
3 supported by the record and by the magistrate judge's analysis.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. The findings and recommendations filed December 12, 2005, are adopted
6 with the following modification;

7 2. Respondent's motion to dismiss is granted;

8 3. Movant's motion pursuant to 28 U.S.C. § 2255 is dismissed, without
9 prejudice with leave to amend within 30 days.

10 DATED: January 30, 2006.

11 /s/Lawrence K. Karlton
12 LAWRENCE K. KARLTON
13 SENIOR JUDGE
14 UNITED STATES DISTRICT COURT
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